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Request  
for  
Continued Examination (RCE)  
Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/613,819
Filing Date	July 3, 2003
First Named Inventor	Kirkor Sirinyan, et al.
Art Unit	1623
Examiner Name	Elli Peselev
Attorney Docket Number	LEA 31923 C2/BAYE-0050

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Re-use of prior art is not a prima facie (RCE) practice under 37 CFR 1.114 does not apply to any utility or 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments thereto, with the RCE will be entered in the order in which they were filed unless applicable and does not have any previously filed unentered amendment(s) entered, applicant must amend(s).

a. ☐ **Office action mailed.** If a final Office action is outstanding, any amendments filed after the final considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ **Enclosed**

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/ Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 233050.

a. ☒ **RCE fee required under 37 CFR 1.17(e)**

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other \_\_\_\_\_

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Signature	/David B. Hoffman/	Date	May 11, 2009
Name (Print/Type)	David B. Hoffman	Registration No.	62 835

**CERTIFICATE OF MAILING OR TRANSMISSION**

The religious postage is costless and is being deposited with the United States Postal Service with funds set aside at the National Center for Prayer, P. O. Box 1450, Alexandria, VA 22313-1450 or Office on the date shown below.

Signature		
Name (Print/Type)		Date

If this collaboration falls within the public disclosure requirements of 37 CFR § 1.501(b)(1), information is required to obtain a patent; no such application will be filed. If it does not fall within the public disclosure requirements of 37 CFR § 1.501(b)(1), the USPTO will file a patent application on behalf of the inventor(s) if the invention is novel, non-obvious, and useful. The USPTO will also conduct a search of the prior art and issue a patent office action. The inventor(s) must provide a response to the patent office action within the time period specified in the patent office action. The USPTO will also conduct a search of the prior art and issue a patent office action. The inventor(s) must provide a response to the patent office action within the time period specified in the patent office action.

**SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

(not to be submitted to the USPTO)

**NOTES:**

Amended Briefing not a new application, and filing an RCE will not result in an application being accorded date.

**Filing Qualifications:**

The application provisions apply to utility or plant application filed on or after June 8, 1995. The application provisions do not apply to a Supplemental application filed before June 8, 1995, a design application, or a patent application filed before June 8, 1995. See 37 CFR 1.114(e).

**Filing Requirements:**

**Prosecution in the application must be closed.** Prosecution is closed if the application is under appeal, or the last Office action (e.g., a final Office action, an action on appeal, or an action that otherwise closes prosecution in the application) is issued. See 37 CFR 1.114(b).

**A submission and a fee are required at the time the RCE is filed.** If reply to an Office action under 35 U.S.C. 132 is outstanding (e.g., the application is under final rejection), the submission must meet the reply requirements. If the Office action is not outstanding, the submission can be an information disclosure statement, an argument, or new evidence. See 37 C.F.R. 1.114(c). The submission may be a previously filed amendment (amendment after final rejection).

## WARNINGS:

**Request for Suspension of Action:**

All DOE filing requirements must be met before a suspension of action is granted. A request for a suspension under 37 CFR 1.103(c) does not satisfy the submission requirement and does not permit the filing of the required submission to be suspended.

**Improper RCE will NOT toll Any Time Period:**

**Before Appeal** - If the RCE is improper (e.g., prosecution in the application is not closed or the submission or the Office action is not timely filed) and the application is not under appeal, the time period set forth in the law will apply to run and the application will be abandoned after the statutory time period has expired if the Office action is not timely filed. No additional time will be given to correct the improper RCE.

**Under Appeal** - If the RCE is improper (e.g., the submission or the fee has not been filed) and the application is under appeal, the improper RCE is effective to withdraw the appeal. Withdrawal of the appeal results in abandonment or abandonment of the application depending on the status of the claims. If there are no allowable claims, the application is abandoned. If there is at least one allowed claim, the application will be on the allowed claim(s). See MPEP 1215.01.

**See MPEP 706.07(h) for further information on the RCE practice.**

## Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the ~~collection~~ of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark ~~Office~~ is to process and/or examine your submission related to a patent application or patent. If you not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.